

**Harpswell Planning Board Meeting
Minutes of June 18, 2003**

Approved 07-16-03

Attendance: Sam Alexander - Chairman, John Papacosma -Vice-Chairman, Howard Nannen, Don Rogers, Dorothy D. Carrier, Noel Musson - Planner, and Amy E. Ferrell – Planning Assistant.

The meeting had been advertised in the Times Record, videotaped, broadcast live on Harpswell TV and recorded. Chairman Alexander called the meeting to order at 6:30 P.M., introduced above members and staff and led the pledge of allegiance.

Site Visit Review –

Chairman Alexander noted that himself, John Papacosma, and Noel Musson all attended Site Visits on Monday, June 16, 2003 at three of the five sites. Holly Allen on Lookout Point Rd., Stone Soup Institute off Allen Point Rd., and Alexander & Allen on Cranberry Horn Hill Rd.

03-06-01

Holbrook's Landing LLC, Request One Year Extension on the Non-Conforming Use of Holbrook's Store, Commercial Fishing I, Tax Map 64-42, Cundy's Harbor Road, Harpswell.

Applicant Presentation – Edward Handel representing Holbrook's Landing LLC explained his request for a one-year extension on the Grandfathered Use of Holbrook's Store. The store had been in use as an art gallery up until June of last year and is currently up for sale. Mr. Handel would like to give every opportunity to the prospective new owner to continue its use. The store has been in existence for over 100 years serving the community of Cundy's Harbor in one form or another. He himself would consider leasing the business, however, would like a new owner to take it over.

Board Discussion and Review of Criteria - The Board asked if the use would be a general store, Mr. Handel replied that he would be open to possibilities, but again would like to see the a new owner decide that. Mr. Nannen commented on the value of Holbrook's Store in the past and would like to see it continue. If the store could be resurrected again, this would be good cause under section 10.4.2 of the Shoreland Zoning Ordinance. Alexander would like to see more information regarding issuing extensions in the Ordinance. **Motion – The Board approves the applicant's request to continue the non-conforming use of Holbrook's Store for a period of one year. (Motion by Nannen and seconded by Rogers, carried 5-0)**

03-06-02 Estes Lobster House Inc., (Larry Crooker – Owner), Change in Use of a Non-Conforming Structure – 2nd Floor Storage/Office to a Four (4) Bedroom Residence, Shoreland Business, Tax Map 18-108, Harpswell Neck Road, Harpswell.

Applicant Presentation – Orville Ranger, attorney for Larry Crooker, spoke as the applicant's representative. On May 21, 2003 the Planning Board held a Site Visit at the Estes Lobster House Restaurant. During this visit many questions were asked and he wanted to begin his presentation by answering those questions.

Question: Why does each of the four bedrooms in this dwelling unit need a toilet?

Mr. Ranger's Answer: The design is typical of seasonal dwellings. Mr. Crooker has a large family and many friends who visit Harpswell. It's simply a convenience as to not overload one facility. Mr. Ranger emphasized that these rooms would not be rented out or leased.

Question: Will there be any expansion to the area or height dimension to the top floor?

Mr. Ranger's Answer: There will be no expansion; this request is just for a change of use.

Question: Will this change in use pollute the wetlands?

Mr. Ranger's Answer: Absolutely Not.

Question: How do we know the disposal system is operating correctly and will continue to do so?

Mr. Ranger's Answer: Frequent Tests have been taken of the wetlands and have been found to be

free of pollution.

Question: How do we know the tests were properly taken and the results properly observed?

Mr. Ranger's Answer: We only know these tests have been taken qualified by State and Town Officials over the years who all agree there is no pollution problem.

Question: Why does Mr. Crooker have Portable Toilets behind the parking area?

Mr. Ranger's Answer: Provided by Mr. Crooker as a free public service, which also reduces the flow on the septic system.

Question: There used to be ducks in the Marshy Wetlands, which borders the parking area, where have they gone?

Mr. Ranger's Answer: They are still there. Mr. Ranger displayed two pictures of this area with the Mallard ducks landing in this area recently.

Mr. Ranger introduced Mr. Chris Belanger from Sitelines, an engineering firm in Brunswick, who continued with the applicant's presentation. Mr. Ranger emphasized that this proposed project has no relation to any of the past proposals, that this is not an expansion, but only a change in use. Mr. Belanger displayed an existing condition plan prepared by his office and pointed out the existing septic system, existing well, and the three-bedroom house. He marked on this plan a 100' radius around the septic system to show if it affects any wells in the area. Mr. Belanger reviewed his letter dated June 11, 2003 in response to the Planner's Memo. Mr. Belanger read from page 3 of his memo, which states Section 10.3.3 in the Shoreland Zoning Ordinance applies to a change of use of a non-conforming structure. This section states that the use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use. In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant regarding the probable effects on the following items: **Public Health and Safety** – The project is to renovate an existing building, all exterior walls will remain the same. In addition, Mr. Crooker has reduced the flow to the septic system by 73% since 1988. Mr. Belanger reviewed the flow records on page 2 of his memo. Papacosma wanted to know how the water flow data was collected. Mr. Belanger indicated there were water meters installed and attached to the main water source at the restaurant and recorded by the employees. Alexander wanted clarification that there was no grey water, all waste went to the septic system. To Mr. Belanger's knowledge, there is none and also pointed out the house was on a separate system from the restaurant. **Erosion and Sedimentation** – No site work is required; potential for erosion does not exist with this project. **Water Quality** – This project has an existing septic system and a new replacement system approved. Water Quality should not be impacted by this project. **Fish and Wildlife Habitat** – Since no site work is proposed, there will be no impact on the Fish and Wildlife Habitat. **Vegetative Cover** – will not be altered. **Visual and Actual Points of Public Access to Waters** – will not be impacted. **Natural Beauty** – Existing features will be maintained. **Floodplain Management** – There will be no increase in the square footage of the building and will not impact the flood zone. **Archaeological and Historical Resources, Commercial Fishing and Maritime Activities; and Other Functionally Water-Dependant Uses** – are not applicable to this application.

Board Discussion and Review of Criteria – Carrier wanted to know the time of occupancy for the proposed expansion. Mr. Belanger confirmed it would be used year-round. Currently the building is considered seasonal and there is concern on the need to change it to year-round. Alexander stated that the 3-bedroom house that was taken off the existing septic system, and now the proposed application is for 4 bedrooms that would be going into that system. Alexander noted there was no information submitted on the existing system; Mr. Belanger noted that was correct however, it has been tested and appears to be working correctly.

Applicant Presentation – Orville Ranger pointed out that Russell Martin, Program Director, Wastewater & Plumbing Control, Division of Health Engineering who is familiar with this proposal and whom they rely on his expertise referenced the conclusions of his letter dated June 4, 2003 which states: 1. The Department's 1991 replacement system approval is valid indefinitely. When granted, the rules contained no provision limiting the approval if the system was not constructed by a certain date. 2. The Department's approval is

for a system to treat and dispose of a total of 1,145 gallons per day of domestic wastewater, with the size of the disposal area adjusted by a factor of 1.8 to compensate for the increased organic load inherent with 875 gallons per day of restaurant wastes. 3. The unadjusted flow for the approved replacement disposal system of 1,145 GPD is less than the calculated unadjusted flow of 1,800 GPD for the pre-minimum lot size law use of the property; therefore no minimum lot size variance is necessary. 4. The current rules provide methods to reduce the adjustment factor from 1.8 to as low as 1.3. A revised site plan from Main-Land Development Consultants dated April 22, 2002 added an additional septic tank, a 2000-gallon grease trap and septic tank outlet filter, which in combination reduce the adjustment factor to 1.3. The plan also notes that a separate system has been installed for the single-family dwelling. 5. Reallocation of wastewater flows within the Estes Lobster House building to other uses does not constitute an expansion as long as the total unadjusted flow to the previously approved system does not exceed 1,145 GPD and the adjusted flow does not exceed 1,845 GPD.

Board Discussion and Review of Criteria - Papacosma mentioned that much of this presentation relies on the flow data submitted, and wanted to know how it could be certified. Mr. Ranger has all this information recorded in files and welcomes anyone in the Town to make the readings if they choose. Alexander wanted to know why the applicants chose the years they did on their flow data (1988, 1990, 2001, and 2002). Mr. Belanger explained that Mr. Crooker hired Main-Land Development to design a new septic system back in 1988, it was approved in 1991 and they have been dealing with this particular application over the last year and a half. Data was submitted from the years they needed to collect the flow rates. Nannen referenced Carl Adams memo dated May 20, 2003 where there are a number of statements based on information from the Department of Human Services that they provided; Mr. Martin with the same department appears to provide conflicting information. Carl Adams did not have an opportunity to research the letter from Mr. Martin; his letter of May 20, 2003 stands for this meeting. In Carl Adams memo it stated "in 1989 the applicant applied to change the use of the second floor to a gift shop and was denied by the Codes Office. The Board of Appeals granted a special exemption for the gift shop with the condition that there would be no additional plumbing. The condition of "no additional plumbing" currently exists on the second floor of this structure. It is the opinion of the Codes Office that before the proposed change in use can be approved by the Planning Board, this condition would need to be reversed by the Board of Appeals." Musson stated that according to the minutes from February 20, 2002 the past Planner spoke with the Town attorney and because there was no NOD done, the Planning Board needs to hear the application. Alexander noted that since the original gift shop application, the ordinances have changed. Mr. Ranger stated that the condition to have no additional plumbing with the gift shop application was that because none was requested. Alexander recalled it was because the Board of Appeals didn't feel that space should be used for a residential or commercial use. Mr. Ranger stated that it's a whole new proposal since the whole restaurant business has changed.

Nannen continued to reference Codes memo where it stated "The use of metered water usage readings cannot be applied to the existing septic system for purposes of re-allocating design flow for a different use. According to Health Engineering at the Department of Human Services, the grandfathered septic system can only be used for its original use. Any change of use would be considered an expansion and would require that a new system be installed." Nannen indicated that there are several contradictions between the letter submitted from the Codes office and the one submitted by Russell Martin. Nannen referenced paragraph two in the letter to Musson dated June 11, 2003 and wanted to know if this was suggestive or definitive information. Mr. Ranger responded that it was definitive. Alexander questioned whether or not Mr. Martin considered the change in seasonal to year-round use in his letter. Mr. Belanger noted that the current system is capable of handling 1800 GPD; the four-bedroom residence would only generate 360 GPD. Alexander clarified that the flow rate was known, but not the capability of the original system. Papacosma commented that if future monitoring was needed, it should be done by individuals of the Town or by someone who is paid by the applicant and approved by the Town. Mr. Crooker briefly stated the 1988 data was collected from the manager of Estes during that time. Current managers have taken recent ones each morning. The current system was put in years ago and has been tested many times by the State. If the current system should malfunction, there is an approved design for a new system that will be installed at that time. The current system was handling year round usage prior to the house being taken off the system. Mr. Crooker emphasized his intent is not to rent out the space, but to maximize the use of the top of the restaurant. The

current system was put in around 1976/1977. Mr. Crooker indicated that the V-Plank system lasts about 35 years on an average and feels his system has a lot of use left in it.

Public Comment - Sam York introduced himself as a property abutter and is at the meeting representing a group of neighbors. They prepared a letter to submit to the Board with their concerns, however, pointed out some of their major concerns:

- Change of use as well as the expansion.
- Troublesome that there have been serious violations over the past years. They feel there is a history with the applicant of pushing the envelope.
- The four-bedroom/4 bathroom residence w/out any dimensions would not allow for the Board to hold the applicant to compliance. The most recent proposal has increased the number of sinks in the bathroom that raises suspicion.
- The three bedroom residence which was the gift shop was rented out and up to recently there was a for rent sign posted. It is believed that this was not part of the original plan.
- Second floor has a stipulation that there is to be no plumbing or an expansion to it.
- Why would there be a need for an elevator going up from the restaurant to the residence.
- The application looks incomplete.
- If water usage increases, which they feel it would, at some point some people will run out of water with expansion of usage and property values will go down.
- There's been a concern of potable water for many years. Most recently they've had water hauled in and had portable toilets installed.
- V-Plank system – Distance from the existing leaching field to the wetlands is only a few feet.

In summary, Mr. York would like to see the application be made complete before any decision is made. The expansion needs to be detailed enough so that it can be monitored and controlled, the leach field needs to be investigated, and clarification needs to be made between what the Codes Office has stated in his memo and what the State official submitted in his letter.

Mr. York submitted the letter that he and other abutters prepared to the Board. Bob White, former member of the Planning Board read from a letter addressed to Jim Henderson. Mr. White is concerned about the local wells in the area. Also, he wants the Board to look at whether or not Mr. Crooker has exceeded his 70% lot coverage and stated that the traffic congestion in that area is heavy. Diana Estes brought in pictures that show how much land has been filled in for the existing system. Her photographs were submitted to the Board. David Baribeau stated that the one-year variation of the water flow is not enough to warrant the change in use. The impact of artificial means such as the portable toilets has affected the flow rates and believes more than one year worth of data is needed to consider this kind of change.

Applicant Response - Mr. Crooker responded to some of the concerns, stating the reason for the water being brought in was because the water is undrinkable. The restaurant currently sells water so they do not have a need to bring in water at this time. Traffic doesn't appear to be an issue. 100-125 cars can be supported off the road. House is no longer being rented.

Mr. Ranger responded to some of the issues brought up by Mr. York. He feels the dimensions is not an issue, there is nothing that states dimensions have to be submitted. It's not an expansion of the use, it's a use allowed according to the Town's Ordinances. The gift shop was brought up, but it never came into fruition, why the concern. Mr. Crooker addressed that the elevator was going to be used by him to access the residence.

Board Discussion and Review of Criteria – Alexander stated that Carl Adams letter stated that any change of use would be considered an expansion, not just an expansion on water use or the additional use on the septic system. **Motion – The Estes application is tabled until next month to give the Board time to digest all the data in front of them, to allow the Harpswell Codes Office to respond to the letter submitted by Russell Martin, and to allow time to investigate what bearing the change of use from seasonal to year-round has on expansion.** (Motion by Alexander and seconded by Carrier) Papacosma would support

the motion because so much of this decision is based on information and authority the Board doesn't have. It's a Codes/Plumbing issue that the Board has to deal with. Once that is cleared, then the Board can go through the rest of the requirements. Alexander moved to vote. **(Vote – carried 5-0)**

At this time the Agenda was amended to move Holly Allen to the third item being heard.

03-06-03 Holly Allen, (Dain Allen – Owner), Site Plan Review Amendment – New Location of Food Concession Cart, Commercial Fishing I, Tax Map 8-20, Lookout Point Road, Harpswell.

Applicant Presentation - Holly Allen requested a location change to her food concession cart after the State Fire Marshall made an inspection to her property. During this inspection, they stated the cart needed to be at least 10' away from building #1 on the diagram and 10' away from the fuel tank chambers. Also, the current location makes it difficult to navigate and set up the trailer between the two buildings. The proposed location is marked as "A" on the site, which is on the other side of the property shown on the diagram submitted to the Board.

Board Discussion of Criteria

Section 15 - Site Plan Review Approval Standards and Criteria

Alexander referenced Musson's memo of June 9, 2003 on this matter and reviewed with the Board the Sections suggested as not applicable (Sections 15.1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, and 21) Alexander indicated if the Board agreed they were not applicable, he would entertain a motion. **Motion - The Board finds the above Sections are not applicable as noted in Musson's memo as they were addressed at the last meeting. (Motion by Carrier and Seconded by Papacosma; carried 5-0)**

Alexander proceeded with review of remaining criteria of Section 15

15.6 Internal Vehicular Circulation – No proposed change to Internal Vehicular Circulation. Applicant would be gaining parking spaces by moving the site of the cart. **Motion - the new proposal meets the requirements of Section 15.6 (Motion by Alexander and seconded by Carrier; carried by 5-0)**

15.7 Parking The Board reviewed the changes in layout. **Motion the applicant meets the requirements of 15.7 of this section (Motion by Nannen and seconded by Rogers; carried 5-0)**

15.14 Natural Features and Buffering – There will be no change to the existing condition. **Motion - The application meets the requirements of 15.14. (Motion by Alexander and seconded by Carrier; carried 5-0)**

15.15 Lighting – No proposed changes to existing Lighting. **Motion - The application meets the requirements of 15.15. (Motion by Papacosma and seconded by Alexander; carried 5-0)**

Motion - The Board approves the Holly Allen application. (Motion by Alexander and seconded by Rogers; carried 5-0)

At this time Sam Alexander turned the meeting over to John Papacosma-Vice Chair for the last two Agenda Items. Alexander & Allen is his company and he will be presenting this application before the Board and his son is on the Board of Directors for the Stone Soup Institute.

03-06-04 Alexander & Allen (Jane Dore & Russell Flynnne –Owners), Request Approval of Land Use in Resource Protection Zone to Build a 3 Bedroom Residential Unit, Resource Protection, Tax Map 49-49, Cranberry Horn Hill Road, Great Island, Harpswell.

Papacosma reviewed the application and stated it was to build a three bedroom residents in a Resource Protection area.

Applicant Presentation – Sam Alexander introduced himself to the Board and the Public. He stated their proposal was to place a cape style home on a lot located in the Resource Protection Zone off Cranberry Horn Hill Road. The lot size is 7.33 acres. The proposed location would be on a flat area of the Southeast corner of the lot. The horizontal distance up the slope from the edge of the wetland to the proposed structure is approximately 140' and 124' to the proposed septic location. There is an approximate 50' height difference to the proposed home from the wetland. When the Site Map was sketched for submission, Alexander stated they were unsure of where the property line was on the East side of the lot. Since that time the owner had it surveyed and the line was actually 10' further out than the sketch indicates. So instead of the house being located 30' from the East property line it is set back 40'. The proposed driveway will be taken in on a fairly level area from the road and have the garage doors on the East side of the building. There would be a turn around space between the building and a vertical piece of ledge. Alexander stated the five requirements that have to be met from section 13.1.1 of the Shoreland Zoning Ordinance. 1) This is about the only spot that is level enough to build on. 2) This parcel existed as part of a subdivision and recorded as such. 3) Believes the ground slope is under 10% where the system is proposed and is above the Floodplain. 4) Total ground floor is approximately 1488 sq. feet. 5) Tried to keep everything away from the wetland to the greatest practical extent. Alexander stated they would be willing to move the proposed site to the East by 10', however, this would eliminate the turn around area for the driveway and the garage would have to be redesigned so that the garage doors were at the end and you would drive right into the garage.

Board Discussion of Criteria – Papacosma requested Alexander draw on the sketch the change to the driveway and garage. Papacosma noted that the ground floor level measurement cannot exceed 1500 sq. feet and his math came to 1545 sq. feet, which puts the plan at 45 sq. feet over the requirement. Alexander offered to adjust the plans and cut the deck down to 6' x 32' which puts the sq. footage within the limit. Papacosma noted that at the site visit the proposed site was relatively flat and logically would be the proper place for a house. The proposed site is more than 75' from the upland edge of the wetland, if the site was moved further to the East, it would be that much further from the wetland. Alexander explained again the change to the garage and turn around. It would be more of a direct shot from the road into the garage, but there would still be a need for a turn around spot so the owner would not have to back into the road. Nannen wanted to know if there was an abutter on the East side. Alexander indicated not directly, maybe 400 feet away diagonally. Papacosma asked the Board what their sense of moving the house to the East was. Carrier noted that the Ordinance states to the greatest practical extent and should be followed. Nannen was concerned that it would be encroaching on the road more than necessary. The existing proposal is already approximately 140' from the wetland and is neutral. Carrier believes if its feasible then it should be done and be part of the condition of approval. She feels it's important for the Board to be consistent when it comes to the greatest practical extent.

Public Comment - Greg Kellner owns the lot next to the proposed site. He wanted to know the setbacks from the property lines and the wetlands. The Board explained the distances and he was satisfied and had no objections to the proposed application.

Board Review -

13.1.1. Special Exceptions. The Planning Board may approve a permit for a single family dwelling unit and accessory structures in a Resource Protection District provided that the applicant demonstrated that all of the following conditions are met:

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built. **Motion – The Board finds the application meets this requirement that there is no other location on the property that which the home can be built. (Motion by Nannen and seconded by Carrier; carried 4-0)**

2. The lot on which the structure is proposed is undeveloped and was established and recorded in the

Cumberland County Registry of Deeds before the adoption of the Resource Protection District. **Motion – The application meets the requirement that the lot on which the structure is proposed is undeveloped and was established and recorded in the Cumberland County Registry of Deeds before the adoption of the Resource Protection District. (Motion by Nannen and seconded by Rogers; carried 4-0)**

3. The proposed location of all buildings, sewage disposal systems, and other improvements are:

- located on natural ground slope of less than 20%; and
- located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers; and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is in compliance with the municipal floodplain elevation; and the development is in compliance with the municipal floodplain ordinance. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be the width of the 100-year floodplain. **Motion – The application meets the requirements that the proposed location of all buildings, sewage disposal systems, and other improvements are located on natural ground slopes of less than 20% and that it is located outside the floodway of the 100-year floodplain and the remaining requirements under this section. (Motion by Nannen and seconded by Carrier; carried 4-0)**

4. The total ground-floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet. **Motion – The applicant's proposal as modified to reduce the floor area of the deck to 6' x 32' (192 sq. feet), meets the requirements of section 13.1.1.4 that the total ground-floor area of all principal and accessory structures does not exceed 1,500 square feet. (Motion by Nannen and seconded by Carrier; carried 4-0)**

5. All structures except functionally water-dependent structures are set back from the maximum high water line of a water body, tributary stream, or the upland edge of a wetland described in Section 3 of this Ordinance to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands. **Motion – The application meets these setbacks and proposed home site will be set over to the East 10' which will bring it into further compliance to meet the greatest practical extent setback from the upland edge of the wetland. (Motion by Carrier and seconded by Rogers; carried 4-0)**

Motion – The Board finds that the application for construction of a single family dwelling unit in a Resource Protection Zone meets all of the requirements under section 13.1.1 as noted by the Board and hereby approves with conditions set forth above. (Motion by Nannen and seconded by Carrier; carried 4-0)

03-06-05 Stone Soup Institute (Eric Johnson & Rolf Hamacher –Owners), Site Plan Review for Proposed School Teaching Community Based Farming Skills, Interior, Tax Map 11-39, Allen Point Road, Harpswell.

Applicant Presentation – Jim Cornish explained to the Board that the Stone Soup Institute is a registered non-profit organization that will be teaching small base community farming skills. The school is proposing to build a 24' x 40' workshop off the Allen Point Road. There will be a greenhouse on the South side, storage on the North side of the building and 8 parking spaces. (4 on the West end and 4 on the North) The workshop will be for woodworking and small equipment repair shop on the first floor and a weaving and

spinning area on the second floor. Mostly classroom activity will be going on here at this site. The actual agricultural aspect of the school will take place on six acres that are leased owned by Joe and Julia Stevens. The school also has half of a barn and 6 acres leased at the old Farr Farm about a mile from the shop location. A prototype of the Stone Soup brochure has been submitted to the Board.

Public Comment – Gloria Elliot expressed the concern over the possible noise level with power tools being used and from the students themselves. Ms. Elliot also expressed concern over how many animals will be kept at the proposed location. Mr. Cornish stated there would be no animals kept at this site with the possible exception of some chickens. Mr. Cornish also clarified that the power tools will be kept inside the workshop and should not present a noise problem. The workshop will be used more in the winter months and during the summer months they will be outside doing farming activities.

Board Discussion of Criteria – Nannen inquired about the residential building that will be needed to house the students. Mr. Cornish explained that it is not a part of this proposal and probably won't happen for another couple of years. The school plans on renting rooms in the local area for the students at this time.

Site Plan Review Ordinance, Section 15 Review Standards – Papacosma commented that according to Musson's memo section 15.8 Pedestrian Circulation and Section 15.20 Floodplain Management are not applicable to this application. **Motion – The Board finds that section 15.8 and 15.20 do not apply to this proposal. (Motion by Papacosma and seconded by Nannen; carried 4-0)**

15.1 Dimensional Requirements – Carrier wanted to know how high the proposed workshop was going to be. Mr. Cornish stated 29 feet. **Motion – The Board find the applicant meets the requirements of section 15.1. (Motion by Nannen and seconded by Rogers; carried 4-0)**

15.2 Utilization of the Site – Papacosma noted the proposed area is relatively flat; D.W. Newburg tested the soils. **Motion – The Board finds the applicant has met the requirements of section 15.2 (Motion by Papacosma and seconded by Carrier; carried 4-0)**

15.3 Adequacy of Road System – Increase in traffic is expected to be minimal, maybe two additional vehicles entering the site. **Motion – The Board finds the applicant meets the requirements of section 15.3 Adequacy of Road System. (Motion by Nannen and seconded by Carrier; carried 4-0)**

15.4 Access into the Site – The view from the site coming into the Allen Point Road is 75' one way and 150' the other. Access road will be an 18' gravel road needing one culvert. **Motion – The Board finds that the applicant will have an 18' gravel access road onto the site, needs one culvert and meets the requirements of section 15.4 of this section (Motion by Carrier and seconded by Nannen; carried 4-0)**

15.5 Access/Egress Way Location and Spacing – Closet intersection is Route 123 and Allen Point Road. **Motion – The Board finds the applicant meets the requirement of section 15.5. (Motion by Papacosma and seconded by Carrier; carried 4-0)**

15.6 Internal Vehicular Circulation – Roadway will be 18' with 8 parking spaces, which should allow for ample turn around. Any unloading will be accomplished in the parking spaces. Nannen recommended to the applicant that the proposed parking be moved away from the building with parking set back 15 – 20' from the building to allow for landscaping. Mr. Cornish stated that by moving the parking spaces back on the West side would move it to close to the property line. **Motion – The Board finds the application meets the requirements of section 15.6 (Motion by Papacosma and seconded by Carrier; carried 4-0)**

15.7 Parking – The proposal has 9 parking spaces, unpaved with no lines. **Motion – The Board finds the application has met the requirements for section 15.7 for adequate parking. (Motion by Papacosma and seconded by Carrier; carried 4-0)**

15.9 Stormwater Management – Site location is relatively flat, there will be a culvert under the access road. Applicant does not feel any of the work being done will not increase runoff. The applicant stated that they would be removing the spruce trees on the 40' strip to the building and retaining all hard wood trees. **Motion – The Board finds the application meets the requirements for section 15.9. (Motion by Nannen and seconded by Carrier; carried 4-0)**

15.10 Erosion Control – Earth disturbance will be for the road, parking, building, and septic system. A service road to the septic system will be put in and left once the system was installed. **Motion – The Board finds the application meets the requirements for section 15.10 subject to the applicant meeting the requirements in the Maine Erosion and Sediment Control Handbook for Best Management Practices. (Motion by Nannen and seconded by Carrier; carried 4-0)**

15.11 Water Supply and Groundwater Protection – A Well has not been drilled yet. Applicant stated that wells in the area have adequate water supply and that there will be a well dug. Mr. Newburg stated the well will be 100' from the septic tank and the leach field and there is a high probability of finding a good water source when drilling for the well. **Motion – The Board finds based on testimony of the applicant and Mr. Newberg that the application meets the requirements for section 15.11. (Motion by Papacosma and seconded by Nannen; carried 4-0)**

15.12 Subsurface Waste Disposal – An appropriate system is being designed by Don Newburg. **Motion – The Board finds the application meets the requirements for section 15.12 with the condition that the Codes Office has to approve the submitted plan. (Motion by Papacosma and seconded by Rogers; carried 4-0)**

15.13 Utilities and Essential Services – **Motion – The Board finds the application meets the requirements for section 15.13. (Motion by Carrier and seconded by Papacosma; carried 4-0)**

15.14 Natural Features and Buffering – Tree removal will be kept to a minimum. The proposed building will be set back from the road as not to be seen when passing by. The school will be selectively cutting old growth for materials to use on the school. **Motion – The Board finds the application meets the requirements for section 15.14. (Motion by Papacosma and seconded by Nannen; carried 4-0)**

15.15 Lighting – Lighting will be put on the outside of the building to illuminate the parking spaces. **Motion – The Board finds the application meets the requirements for section 15.15 (Motion by Nannen and seconded by Papacosma; carried 4-0)**

15.16 Water Quality Protection – Heating oil and possibly varnish for woodworking will be kept on site. **Motion – The Board finds the application meets the requirements for section 15.16 with the condition that it meets the standards of DEP and State Fire Marshall Office for oil storage tanks. (Motion by Nannen and seconded by Carrier; carried 4-0)**

15.17 Hazardous, Special, and Radioactive Materials – There will be no hazardous, special or radioactive materials will be stored on site. **Motion – The Board finds that based on the testimony of the applicant that no Hazardous, Special, and Radioactive Materials will be stored on site that the application meets the requirements for section 15.17. (Motion by Papacosma and seconded by Carrier; carried 4-0)**

15.18 Solid, Special, and Hazardous Waste Disposal – Harpswell Recycling Center will be utilized for any solid waste. **Motion – The Board finds the application meets the requirements for section 15.18. (Motion by Carrier and seconded by Papacosma; carried 4-0)**

15.19 Historic and Archaeological Resources – None in the area. **Motion – The Board finds the application meets the requirements for section 15.19. (Motion by Carrier and seconded by Papacosma; carried 4-0)**

15.21 Technical and Financial Capacity – Applicant is relying on donated materials as well as cutting their own material to build the workshop. **Motion – The Board finds the application meets the requirements for section 15.21 with the requirement that a statement from Peoples Bank with the applicant's financial capacity is submitted to the Planning Office for consideration by the Town Planner. (Motion by Carrier and seconded by Rogers; carried 4-0)**

Motion – The Board approves the application for Stone Soup Institute with the conditions outlined in the Site Plan Review Criteria and that a Deed is submitted by the applicant from the Cumberland County Registry of Deeds to the Code Enforcement Office and Planning Office stating they have title to the land. (Motion by Papacosma and seconded by Nannen; carried 4-0)

10:10 p.m. Chairman Alexander rejoined the meeting.

Approval of Minutes –

Motion – The minutes of May 21, 2003 were accepted as printed. (Motion by Rogers and seconded by Carrier – Carried 5-0)

Adjournment - Motion to adjourn at 10:15 P.M. (Motion by Carrier and seconded by Alexander; carried 5-0)

Respectfully submitted,

Amy E. Ferrell
Planning Assistant